

RECEIVED

By Committee of Adjustment at 10:37 am, May 21, 2024



STAFF REPORT

888 Dupont Street, Committee of Adjustment Application

Date: May 17, 2024

To: Chair and Committee Members of the Committee of Adjustment, Toronto and East York District

From: Director, Community Planning, Toronto and East York District

Ward: University-Rosedale (Ward 11)

File No: A0346/24TEY

Application Hearing Date: June 5, 2024

RECOMMENDATIONS

Should the Committee of Adjustment approve Application A0346/24TEY, City Planning staff recommend that the following conditions be imposed:

1. The Owner shall obtain approval from City Council for any changes required to the draft Section 37 Agreement and for a final Section 37 Agreement to be entered into and registered on title to the lands to the satisfaction of the Executive Director and Chief Planner, City Planning and the City Solicitor.
2. The Owner submit a revised Pedestrian Wind Study (wind tunnel study) to the satisfaction of the Executive Director and Chief Planner, City Planning, prior to the issuance of the Notice of Approval Conditions.

APPLICATION

The Application is seeking to alter the development standards, as approved under Site Specific Zoning By-law 841-2022, which include increasing the mixed-use building height (from 14-storeys to 17-storeys), gross floor area, revisions to the permitted projections and encroachments, building setbacks, and a reduction in the number of parking spaces.

The following variances are requested:

1. **Section 9(D), By-law 841-2022 (Exception CR 683)**

The maximum permitted height of a building or structure as shown following the symbol "HT" on Diagram 7 of By-law 841-2022, excluding mechanical penthouse, is 50 m.

The maximum height of a building or structure as shown on the Revised Diagram 7, with a total height, excluding mechanical penthouse, will be 56 m.

2. Section 9(E)(i), By-Law 841-2022 (Exception CR 683)

Equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, may project beyond the permitted building height by a maximum of 6 m.

In addition to the permitted projections listed in 9(E)(i), recreational indoor amenity space may project beyond the permitted building height by a maximum of 6 m.

3. Section 9(F), By-Law 841-2022 (Exception CR 683)3.

The minimum required building setbacks and separation of main walls are as shown on Diagram 7 and Diagram 8 attached to By-law 841-2022.

The minimum building setbacks and separation of main walls are as shown on the Revised Diagram 7 and Revised Diagram 8.

4. Section 9(G)(iii), By-Law 841-2022 (Exception CR 683)

The public art feature (restored chimney), not included in 9(G)(ii), as shown on Diagram 8, may encroach into the required minimum building setbacks and main wall separation distances by a maximum of 4.8 m.

The public art feature (restored chimney) as shown on Revised Diagram 8, will encroach into the required minimum building setbacks and main wall separation distances by a maximum of 9 m.

5. Section 9(P), By-Law 841-2022 (Exception CR 683)

The total maximum permitted gross floor area for all uses on Part A and Part B on Diagram 2 of By-Law 842-2022, or part thereof, is 14,850 m².

All uses on Part A and Part B will have a gross floor area of 17,918 m².

6. Section 9(P)(i), By-Law 841-2022 (Exception CR 683)

The total permitted residential gross floor area on Part A as shown on Diagram 2 of By-Law 842-2022 shall not exceed 12,850 m².

The total residential gross floor area on Part A will be 16,301 m².

7. Section 9(T)(iii), By-Law 841-2022 (Exception CR 683)

In addition to 9(T)(ii), a minimum of 0.05 residential visitor parking spaces for each dwelling unit is required.

In this case, 0 additional residential visitor parking spaces for each dwelling unit will be provided.

8. Section 9(T)(vi), By-Law 841-2022 (Exception CR 683)

A minimum of three "car share" spaces is required.

In this case, two "car share" spaces will be provided.

9. Section 9(W)(iii), By-Law 841-2022 (Exception CR 683)

The accessible parking spaces must be located within 20 m of a barrier free entrance to the building or passenger elevator that provides access to the first storey of the building.

In this case, accessible parking spaces will be located within 32 m of a barrier free entrance to the building or passenger elevator that provides access to the first storey of the building.

10. Section 9(X), By-Law 841-2022 (Exception CR 683)

A minimum of six parking spaces of the required parking spaces on the lot are required to be accessible parking spaces.

In this case, a minimum of two accessible parking spaces will be provided on the lot.

11. Section 10(G), By-Law 841-2022 (Exception EL 21))

The minimum required building setbacks and separation of main walls are as shown on Diagram 7 and Diagram 8 attached to By-law 841-2022.

The minimum building setbacks and separation of main walls is as shown on the Revised Diagram 7 and Revised Diagram 8.

12. Schedule A, Section 37 Provisions, Clause (A)(i), By-Law 841-2022

Schedule A of the by-law requires that 20 new affordable rental housing dwelling units, comprised of at least 10% of the total residential Gross Floor Area, of the new 14-storey mixed-use building shall be provided, all to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Executive Director, Housing Secretariat.

In this case, the new 17-storey mixed-use building will include 20 new affordable housing dwelling units.

13. Schedule A, Section 37 Provisions, Clause (A)(i)(b), By-law 841-2022

One bedroom Affordable Housing Units are required to have a minimum unit size of 48.7 m² and a minimum average unit size of 55 m² and two bedroom Affordable Housing Units are required to have a minimum unit size of 60 m² and a minimum average unit size of 67.3 m².

In this case, the new 17-storey mixed-use building will include one bedroom Affordable Housing Units that will have a minimum unit size of 48.7 m² and two bedroom Affordable Housing Units that will have a minimum unit size of 60 m².

14. Schedule A, Section 37 Provisions, Clause (B)(vi)(a), By-law 841-2022

A minimum of three car share parking spaces is required.

In this case, two car share parking spaces will be provided.

CONTEXT

On July 19, 2022, City Council approved an application (File No: 19 243242 STE 11 OZ) to amend the Official Plan and Zoning By-laws to permit a 14-storey mixed-use building at 888 Dupont Street, containing 155 dwelling units, including 20 affordable housing units and 2,028 square metres of non-residential uses including retail, commercial, and light industrial uses.

The Official Plan Amendment amended Chapter 7 of the Official Plan by removing the property from Site and Area Specific Policy 212 in the form of site and area specific policy 805 for 888 Dupont Street ("SASP 805"). SASP 805 provides that no residential uses are permitted on the portion of the site designated as Employment Areas except for accessory or ancillary residential uses, such as parking, loading, service, access and/or mechanical facilities that serve both the users of the Mixed Use Areas portion of the development and users of the Employment Areas portion of the development.

City Council also approved the financial incentives under the Open Door Affordable Housing Program of approximately \$1,576,595.00 for 20 affordable rental dwelling units to be created at 888 Dupont Street.

A related Site Plan Application (Application 21 206371 STE 11 SA) was submitted on August 31, 2021. The Site Plan Application is currently under review by City staff.

The applicant has been in multiple discussions with Community Planning, Housing Policy and the Housing Secretariat regarding the provision of the affordable housing units; increases to the height and density; improvements to pedestrian wind conditions; improvements to the public realm; and other changes to the previous approval.

COMMENTS

The proposed minor variances will allow the applicant to provide affordable housing units within the proposed building. The proposed revisions represent improvements to previous wind conditions, and the public realm or publicly accessible areas.

Should the Committee of Adjustment approve the minor variance application, staff recommends that the Owner obtain approval from City Council for any changes required to the draft Section 37 Agreement, and for a final Section 37 Agreement to be entered into and registered on title to the lands to the satisfaction of the Executive Director and Chief Planner, City Planning, and the City Solicitor.

Staff also recommend that the Owner resubmit a revised Pedestrian Wind study prior to the issuance of the Notice of Approval Conditions.

CONTACT

Sipo Maphangoh, Manager, Community Planning, Toronto and East York District, 416-338-2478, Sipo.Maphangoh@toronto.ca

SIGNATURE

A handwritten signature in black ink, appearing to read "Sipo Maphangoh". The signature is fluid and cursive, with a long horizontal stroke at the end.

Signed by Sipo Maphangoh, Manager, Community Planning on behalf of
Oren Tamir
Director, Community Planning
Toronto and East York District